

# **EXHIBIT H**

**Elizabeth A. McCoy**

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**From:** johnfoster42@gmail.com on behalf of John Foster [j.foster@waeschelaw.com]  
**Sent:** Saturday, July 21, 2007 10:40 AM  
**To:** Mark M. Jaffe  
**Cc:** Elizabeth A. McCoy; j.keough@waeschelaw.com; c.constable@waeschelaw.com; s.grant@waeschelaw.com  
**Subject:** South Pacific Shipping v New York Container Terminal

Mark:

1. Thanks for your letter/email of Thursday evening. Suffice it to say that we disagree with the Terminal's position, as well as your spin, *e.g.*, that South Pacific has delayed in its dealings with the clubs or that South Pacific was obligated to do anything more than use its best efforts in seeking a club letter.

2. I called yesterday afternoon, but as you were unavailable I left a voicemail message. I then spoke with Gordon Arnott and Elizabeth McCoy. The points I made:

a. I spoke yesterday with the representative of the charterer's P&I club, who said that the club rules did not cover this contractual dispute. (The owner's P&I club had previously said the same about their rules.) Consequently, the club would not provide a letter except on terms unacceptable to South Pacific.

b. Given the parties' positions, it seemed best to get Judge Lynch involved. I called Chambers yesterday and arranged a conference for next Tuesday, July 24, at 11:00 am.

c. From your letter it appears that you are under the mistaken impression that there is a court order of some sort in effect in the case. There is no such order, as a review of the docket sheet will show.

d. That said, at next Tuesday's conference we will ask Judge Lynch for a) a TRO, and b) a hearing in the near future for a preliminary injunction.

3. If you have any questions about the above, please feel free to call John Keough or me.

Regards,

John Foster

7/23/2007